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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/452,328
Filing Date: November 30, 1999
Appellant(s): PORTER, SWAIN W.

Aloysius AuYeung (35,432)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 14, 2004.

(1)   Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2)   Related Appeals and Interferences

A statement identifying the related appeals and interferences, which will directly

affect or be directly affected by or have a bearing on the decision in the pending appeal is

contained in the brief.

(3)   Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4)   Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection

contained in the brief is correct.

(5)   Summary of Invention

The summary of invention contained in the brief is correct.

(6)   Issues

The appellant's statement of the issues in the brief is correct.

(7)   Grouping of Claims

The rejection of claims 1-42 stand or fall together because appellant's brief does

not include a statement that this grouping of claims does not stand or fall together and

reasons in support thereof. See 37 CFR 1.192(c)(7).

(8)   Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9)   Prior Art of Record

U.S. 6,415,294 B1, Niemi, filed: February 16, 1999, issued: July 2, 2002.

U.S. 5,913,215 A, Rubenstein et al. filed: February 19, 1997, issued: June 15,

1999.

U.S. 6,271,840 B1, Finseth et al. filed: September 24, 1998, issued: August 7,

2001.

(10)   Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections – 35 U.S.C. 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another
> filed in the United States before the invention by the applicant for patent or (2) a patent granted on an
> application for patent by another filed in the United States before the invention by the applicant for patent,
> except that an international application filed under the treaty defined in section 351(a) shall have the effects
> for purposes of this subsection of an application filed in the United States only if the international application
> designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 2, 6-11, 18, 21-22, 25-27, 31-32, 35-37, and 39-41 are rejected under 35

U.S.C. 102(e) as being anticipated by Niemi (6,415,294 hereinafter Niemi).

In considering claims 1, 7-10, 21, 25-26, and 31, Niemi discloses an automated

method for assisting a user of the client system in retrieving and browsing information,

the method comprising:

retrieving and displaying on a display of the client system for browsing, a

first information page having first contents, responsive to user direction (see col.

4, lines 2-16); and

automatically assembling and augmenting the first information page being browsed (col.4 line 66 to col.5 line 47) with one or more information source identifiers (col.5 line 12 - associated hyper-links) directly identifying one or more information pages (col.6 lines 41-47) with second contents (col.7 lines14-15 - list of hyper-links) that may be additionally retrieved (col.7 lines 14-19), based at least in part on a portion of the content of said first information page (col.5 line 9 - keywords), the second contents directly augmenting the first content (by identifying locations of documents related to the downloaded page, (see col.6 lines 41-42 & col.7 lines 14-20)).

In considering claim 2, Niemi discloses a method wherein the method further comprises performing on said client system in real time, on retrieval of the first information page, analysis of the first information page to determine the portion of the content of said first information page on which said automatic assembling and augmenting is based (keyword phrases) (see col. 5, lines 8-17).

In considering claims 6, 22, 27, and 32, Niemi discloses a method further comprises dynamically determining related second keywords of the presence if first keywords; and the providing of information source identifies to the client system is made based at least in part on the dynamically determined related second keywords (col. 4, lines 43-60 and col. 5, lines 2-17) .

In considering claim 11, Niemi discloses a method wherein said first information page is an information page constituted using some type of mark-up language (col. 3, lines 52-57).

In considering claim 18, Niemi discloses, in a server system (Fig. 1, (module 8)) ,

an automated method for facilitating provision of assistance to a user of a networked client system (col.3 lines 30-42, Fig. 1 - the client comprises means 2 & 6-8) to retrieve and browse information, the method comprising:

receiving from the client system in real time, on retrieval from a third party location (Fig.1, WWW 4) to the client system a first information page (downloaded page) to be browsed on the client system, related keywords of presence ones of second keywords in the first information page (col.6 lines 41-51 - once a use click on an augmented hyper-link, a URL with keyword indicator - "word-29329" - is received by server #8 from the client system), where at least presence ones of the second keywords of the first information page are dynamically determined by the client system in real time on retrieval of the first information page (col. 4 line 66 to col.5 line 17); and

in response, providing to the client system a plurality of information source identifiers (col. 7 lines 14-19, list of hyper-links) identifying a plurality of information pages that may be additionally retrieved (col.7 lines 17-19), based at least in part on the retrieved first keywords on the client system with information source identifiers identifying information pages based on the related first keywords (col.7 lines 52-60).

In considering claim 30, Niemi discloses, in a server system (col. 7, lines 50-54), an automated method for facilitating provision of assistance to a user of a networked client system to retrieve and browse information, the method comprising:

receiving in real time from the client system, on retrieval from a third party location by the client system a first information page to be browsed on the client system, a locator of the first information page identifying the third party location (col. 4, lines 2-16 - URL of the page to be downloaded); and

in response, providing to the client a plurality of information source identifiers (col. 5 lines 8-17, associated hyper-links) identifying a plurality of information pages (col.7 lines14-15 - list of hyper-links) that may be additionally retrieved, based at least in part on dynamically determined content of the first information page (col. 4 line 66 to col.5 line 17).

In considering claim 35, Niemi discloses a client system comprising:

a display (see fig. 1 (6, display)); and

a browser (see fig. 1 (5, browser)) to facilitate augmented viewing of a first information page having first contents, including and analyzer equipped to dynamically and automatically assemble a plurality of information source identifiers directly identifying a plurality of information pages with second contents that may be additionally retrieved, based at least in part on a portion of the first retrieved information page, the second contents directly augmenting said first contents (col. 5, lines 8-17; and col. 6, lines 33-40, see also fig. 2).

In considering claim 36 and 41 Niemi discloses wherein the programming instruction implement a lexical analyzer to facilitate determination in real time unique nouns in the first retrieved information page being browsed (fig. 1 (13, text analyzer function) see also col. col. 5, lines 2-10).

In considering claims 37 and 39, Niemi discloses a server system comprising:

a network interface to couple the server system to a network (see. fig. 1 (2, modem));

programming instructions and an information source database (12, database) having a first plurality of keywords and a plurality of associated

information source identifiers of the keywords, directly identifying a plurality of information pages with first contents that may be additionally retrieved, to facilitate automatic augmented provision of dynamically assembled information source identifiers by a browser of a coupled client system, based at least in part on a portion content of a first information page with second content retrieved from a third party location for browsing on the client system, the first contents directly augmenting the second contents (col. 4, lines 20-23, and lines 54-57).

In considering claim 40, Niemi discloses the server system further comprises a keyword database, having a second plurality of keywords and the first plurality of keywords, the first and second keywords of presence ones of first keywords in the first retrieved information page (col. 4, lines 20-23, and lines 54-57).

Claim Rejections – 35 U.S.C. 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 3-5, are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi in view of Rubinstein et al. (5,913,215 hereinafter Rubinstein).

In considering claim 3, Niemi discloses a method wherein said analysis comprises performing on said client system in real time, on retrieval of the first information page, scanning of said first information page for unique words presence, accessing a current table of keywords to determine if any of the unique words are to be considered as

keywords (col. 5, lines 2-17).

Although Niemi et al. shows substantial features of the claimed invention, he fails to disclose outputting the unique nouns so should be considered as the presence ones of first keyword. Nonetheless, Rubinstein, whose invention is a system for browsing by prompted keyword phrases, discloses such an outputting of the unique nouns that should be considered as the presence ones of first keywords (see col. 16, lines 18-23). Therefore, given the teachings of Rubinstein, it would have been obvious for a person having ordinary skills in the art to modify Niemi to include the step of outputting of the unique nouns that should be considered as the presence ones of first keywords so that the user may use the keywords to construct a query expression in which one of the keywords is an operand, thus allowing the user to perform a more rapid and comprehensive search.

In considering claim 4, Rubinstein further discloses a method wherein the method further comprises designating to a browser of the client system a first of a plurality of tables of keywords as the current table of keywords (see col. 12, lines 51-54; Fig. 11, Phrases View Window 1105; Fig. 12, Words View Window 1200).

In considering claim 5, Rubinstein further discloses a method wherein the method further comprises loading/downloading said plurality of tables of keywords onto the client system (see col. 16, lines 9-13; Fig. 11, Phrases View Window 1105).

5.   Claims 12-17, 19-20, 23-24, 28-29, 33-34, 38, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi in view of Finseth et al (6,271,840 hereinafter Finseth).

In considering claim 12, Niemi discloses a method wherein the method further

comprises displaying on said display a selected one of a second information page corresponding to a first of the additional information pages (see Fig. 13, Links View Window).

Although Niemi et al. shows substantial features of the claimed invention, he fails to disclose displaying a thumbnail of the second information page. However, Finseth, whose invention is a method for providing graphical outputs from search engine results, discloses such a thumbnail of a retrieved information page (see Fig. 7, Rendered Images 142; col. 5, lines 43-52). Therefore, given the teachings of Finseth, it would have been obvious for a person having ordinary skills in the art to modify Niemi et al. by displaying a thumbnail of the second information page in order to view a physical image of the information page.

In considering claims 13 and 16, Finseth further discloses a method wherein said displaying of a thumbnail comprises performing on said client system in real time, on retrieval of the first information page, a selected one of (a) retrieving said thumbnail and (b) retrieving said second information page and dithering said retrieved second information page to form said thumbnail (see Fig. 7, Rendered Images 142; col. 5, lines 43-52).

In considering claims 14 and 17, Finseth further discloses a method wherein said displaying of a thumbnail is made responsive to proximate placement of a cursor next to a first information source identifier corresponding to said second information page (see col. 8, lines 45-55).

In considering claim 15, Niemi et al. discloses an automated method for assisting a user of the client system to retrieve and browse information, the method comprising:

retrieving and displaying on a display of the client system for browsing, a

first information page having content, responsive to user direction (see col. 4,

lines 2-16).

performing on said client system in real time, on retrieval of the first

information page, analysis of the first information page to determine presence

ones of first keywords in at least a portion of the content of said first information

page, and second keywords related to the presence of one of first keywords;

automatically assembling and augmenting the first information page

being browsed with one or more information source identifiers identifying one or

more information pages that may be additionally retrieved, based at least in part

on the automatically determined presence ones of first keywords in said portion of

the content of said first information page, and said second keywords (see col. 1,

lines 45-56; col. 5, lines 8-17; and col. 6, lines 33-40, see also fig. 2); and

Additionally, Finseth discloses presenting on the display, responsive to a

user event, a thumbnail of a second information page corresponding to a first of

the identified information pages (see Fig. 7, Rendered Images 142; col. 5, lines

43-52).

In considering claims 23, 28, and 33, Finseth further discloses a method wherein

the method further comprises providing to said client system a thumb nail of a second

information page corresponding to a first of said information source identifiers (see Fig.

7, Rendered Images 142; col. 5, lines 43-52).

In considering claims 24, 29, and 34, Finseth discloses a method wherein the

method further comprises retrieving an information page and dithering the information

page to form said thumbnail (see Fig. 1, Web Page Renderer Process 52; col. 5, lines 43-52).

In considering claim 19, Finseth discloses a method wherein the method further comprises providing to said client system thumbnail of a second information page corresponding to a first of said information source identifiers (see Fig. 7, Rendered Images 142; col. 5, lines 43-52).

In considering claim 20, Finseth discloses a method wherein the method further comprises retrieving an information page and dithering the information page to form said thumbnail (see Fig. 1, Web Page Renderer Process 52; col. 5, lines 43-52).

In considering claims 38 and 42, Finseth discloses wherein the programming instruction implement a dithering module to dither a second information page retrieved to augment the first retrieved information page, to generate a thumbnail of the second retrieved information page (see Fig. 1, Web Page Renderer Process 52; col. 5, lines 44-51).

(11)   Response to Argument

In response to Applicant's arguments, the following arguments are noted:

1.   Applicant's main argument regarding independent claims 1, 21, 25, 35, and 39 is the

following:

Applicant argues that Claims 1, 21, 25, 35, and 39 all clearly require

a) automatically assembly of information source identifiers;

a) the automatically assembled information source identifiers directly identify additional

information pages that may be retrieved, and

b) the directly identified additional information pages contain contents directly augment

the contents of the retrieved information page being browsed.

2.   Niemi has all of the aforementioned steps as argued by the applicant.

3.   Applicant argues that Niemi merely teaches automatic augmentation of a retrieved

information page with queries containing identified keywords as query parameters; whereas the

claims requires identifiers that directly identify additional information page. Examiner

disagrees.

Niemi teaches that a text analysis function scans the text contained in the downloaded

Web page to identify keywords present therein (col.5 lines 1-17). Niemi further teaches that the

function modifies the HTML code "on-the-fly", to introduce associated hyper-links. Thus when

the keywords are identified, hyper-links are created and associated with the identified keywords

(col. 5, lines 9-17). Each of the associated hyperlinks added to the web page, when clicked on,

directs the Web browser to a content (see col. 6, lines 43-47). The content returned to the

browser is a 'page' containing list of hyper-links identifying related documents (see col.7 lines

14-17). The content (list of hyper-links) is dynamically created by server module 8 of fig.1. A

content returned to a browser is a 'page' regardless of how the content was generated at the

server (i.e. the content can be static, pre-created, or dynamically generated on the fly). From the

browser stand point, it receives a 'page' corresponding to its request. The claims do not exclude

the identified information page from being composed of dynamically generated content. The

resulting list of hyper-links returns to the browser is a direct result of submitting the associated

hyper-link to the server module 8. The returned result is an information page. Hence, the

associated-hyperlinks of Niemi directly identify information pages as claimed.

4.   Applicant directs the following questions to the Examiner in the arguments:

        a) whether Niemi's answer page is equivalent to the required augmenting information

page; and

        b) whether Niemi's augmenting query is equivalent to the required augmenting

information page identifiers.

        In regards to question a), information return from the server to the browser constitute a

'page' regardless of how the server generated it. Niemi's 'answer' page (the list of hyper-links,

col.7 lines 14-17) contains a list of hyper-links to related documents and indications of the

degree of similarity to the downloaded page. The 'answer' page clearly augments the

information in the downloaded page by identifying related documents and the degree of

similarity of the related documents to the downloaded page.

        In regards to question b), at col. 5, lines 10-17, Niemi teaches that the Web page is

augmented wherein when an keywords are identified, the HTML code is modified "on-the-fly"

to introduce associated hyper-links (information source identifiers as required by claim 1).

Niemi teaches that the augmented hyper- links when clicked on causes the Web browser to

request from the server the contents identified by a particular URL (col. 6, lines 33-50). Hence

that augmented URL "directly" identifies an information page. Although the content is

dynamically built the link is still a "direct" identification of the "content" of a particular URL. It

is well known in the art that a direct request for a webpage over the WWW can be to a static

and/or dynamically generated page. From the browser's stand point the URL directly identifies

content, the browser is unaware of how the content is generated. Hence, the hyper-links taught

by Niemi are equivalent to the claimed "information source identifiers that directly identify one

or more information pages".

5.   With respect to claim 18, Applicant argues that the claim is directed to a method

practiced on a server, requiring the server to receive from the client system related keywords of

keywords present in an information page being browsed. First, Examiner would like to point out

that claim 18 is directed to an automated method that is practiced in a server system and not

particularly on a server as argued by the Applicant.

        Applicant argues that the links are not automatically provided from the client to the

server. However Examiner points out that claim 18, is silent to such limitation. The claim

requires, inter alias, receiving from the client system, related keywords of presence ones of

second keywords in the first information page.

        Regarding the actual claim language, the examiner considers whole Fig.1 as 'a server

system' with the module 8 being a server. Fig.1 shows an embodiment where server module 8 is

embedded inside a client system. The client system comprises means 2 and 5-8. (see col.3 lines 30-42). Niemi teaches that URLs of the associated hyper-links contain related keywords (col.6 lines 45-47, 51-53, "word-29329"). As stated in the rejection of claim 18, the server module 8 receives URLs from the associated hyper-links, when the user clicks on them. This is the step of receiving related keywords as claimed. Server module 8, in response to receiving a URL with related keyword, returns a list of hyper-links identifying related documents (col.7 lines 14-17). The hyper-links in the list are the information source identifiers as claimed.

6.   With respect to claim 30, Applicant argues that Niemi failed to teach the client system providing to the server the location information (URL) of the information page the client system is retrieving. Examiner respectfully disagrees. At col. 4, lines 2-16, Niemi clearly teaches that the user request the downloading of a web page by entering a URL (location information) that is relayed by the server to the WWW. The downloaded web page is later augmented by the server system. Niemi specifically discloses the aforementioned steps may be carried out in a server system totally separate from the client system (see col. 7, lines 50-54). In that alternative embodiment, a server clearly receives the URL of the information page that the client system is retrieving. Therefore, Examiner maintains that Niemi anticipates claim 30.

For the above reasons, it is believed that the rejections should be sustained.
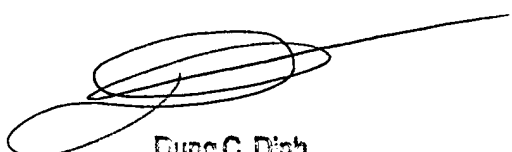
Respectfully submitted,

Kimberly D. Flynn
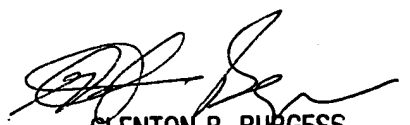Examiner
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